

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the above amendments and in light of the following discussion, is respectfully requested.

Claims 33 and 35-44 are pending. Support for the present amendment can be found in the original specification, for example, at page 12, lines 1-6, at page 12, line 32 to page 13, line 4, and in Figure 10. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claims 33, 35-38, and 41 were rejected under 35 U.S.C. § 103(a) as unpatentable over Scott (U.S. Patent No. 2,172,091) in view of Reichert et al. (U.S. Patent No. 4,994,309, hereinafter “Reichert”); and Claims 39 and 40 were rejected under 35 U.S.C. § 103(a) as unpatentable over Scott in view of Reichert and Royce et al. (U.S. Patent No. 4,223,780, hereinafter “Royce”).

Initially, Applicants would like to thank Primary Examiner Redman for discussing the present application with Applicants’ representative, Colin Harris, on December 6, 2010. Primary Examiner Redman and Applicants’ representative discussed the combination of Scott in view of Reichert. Specifically, as discussed in greater detail below, Applicants’ representative took the position that a person of ordinary skill in the art would not combine the weather strip 28 described in Scott with the glazed sheets 52A, 52B and spacer 30G described in Reichert such that the weather strip 28 was in direct contact with the glazed sheets 52A, 52B and spaced apart from the spacer 30G.

Primary Examiner Redman stated that, in view of the discussion during the interview, the rejection based on Scott in view of Reichert was likely overcome. Primary Examiner Redman also mentioned that he may combine Humpal (U.S. Patent No. 2,676,055) with Reichert in a future Office Action.

The present amendment is hereby presented for formal consideration.

In response to the rejections under 35 U.S.C. § 103(a), Applicants respectfully request reconsideration of these rejections and traverse these rejections, as discussed below.

Independent Claim 33 recites the following:

A glazing panel, comprising:

a housing including at least two glass panes spaced apart by a spacer; and

a seal made of a single flexible material comprising a body with a longitudinal axis that comprises a base-piece having a first end and an opposed second end, two opposed side walls connecting the two ends, and two shoulders located on either side of each of the two side walls and at one of the ends,

wherein, in a section perpendicular to the longitudinal axis, a width of the base-piece from one of the side walls to an other of the side walls, in a vicinity of the end on an opposite side from the shoulders, is larger than a width of the base-piece, from the one of the side walls to the other of the side walls, in a vicinity of the end near the shoulders,

wherein the width of the base-piece in the vicinity of the end on the opposite side from the shoulders is larger than a width of the housing from the one of the glass panes to the other of the glass panes so that, *when the seal is positioned in the housing, the two sides walls contact the two glass panes such that the width of the base-piece in the vicinity of the end on the opposite side from the shoulders is compressed to the width of the housing*, and

wherein *the seal is separated from the spacer by a space such that the seal does not contact the spacer*.

Accordingly, as can be seen from Figures 3 and 10, the glass panels *contact the side walls* to compress the width of the housing. Claim 33 also recites that the seal is separated from the spacer by a space such that the seal does not contact the spacer.

It is respectfully submitted that the cited references do not disclose or suggest every feature recited in independent Claim 33.

The Office Action combines the weather strip 28 described in Scott with the glazed sheets 52A, 52B and spacer 30G described in Reichert to reject Claim 33. Reichert also states that weatherstripping “can be directly bonded to the plastic glazing and spacer.”¹

However, if the weather strip 28 described in Scott were combined with the glazed sheets 52A, 52B and spacer 30G of Reichert, such a combination would not disclose or suggest that “the seal is separated from the spacer by a space such that the seal does not contact the spacer,” as recited in Claim 33.

Instead, as discussed above, Reichert explicitly states that the weatherstripping is *directly bonded* to the plastic glazing and spacer, and does not disclose or suggest any other way to attach the weatherstripping. If the weatherstripping is directly bonded to the plastic glazing and spacer, then the weather stripping contacts the spacer. Thus, in making the proposed combination, if a person of ordinary skill in the art relies on Reichert for the placement of the weather strip 28, then the combination does not teach the weather strip 28 being *spaced apart* from the spacer 30G.

Further, as discussed in previous responses, Scott relies on a U-shaped member 26 to hold the weather strip 28. Such a U-shaped member 26 would be positioned between the weather strip 28 and the glazed sheets 52A, 52B. Thus, if a person of ordinary skill in the art relies on Scott for the placement of the weather strip 28, then the combination does not teach the weather strip 28 being in direct contact with the glazed sheets 52A, 52B. Additionally, because the U-shaped member 26 would be positioned between the weather strip 28 and the glazed sheets 52A, 52B, the weather strip 28 would not be sized so as to be wider than the glazed sheets 52A, 52B.

¹ See Reichert, at column 15, lines 10-16.

Therefore, it is respectfully submitted that a proper combination of the cited references does not disclose or suggest every feature recited in independent Claim 33. Accordingly, Applicants respectfully request that the rejection of Claim 33, and all claims dependent thereon, as unpatentable over Scott in view of Reichert be withdrawn.

Turning now to the rejection of Claims 39 and 40, it is noted that Claims 39 and 40 depend on independent Claim 33. Thus, Claims 39 and 40 are believed to patentably define over Scott in view of Reichert for at least the reasons discussed above with respect to Claim 33. Further, Royce does not cure the deficiencies of the combination of Scott in view of Reichert. Accordingly, it is respectfully requested that the rejection of Claims 39 and 40 as unpatentable over Scott in view of Reichert and Royce be withdrawn.

New Claims 42-44 are added by the present amendment. Support for Claims 42-44 can be found in the original specification, for example, at page 12, lines 1-6, at page 12, line 32 to page 13, line 4, and in Figure 10. Thus, it is respectfully submitted that no new matter is added. As Claims 42-44 depend on independent Claim 33, it is respectfully submitted that Claims 42-44 are allowable for at least the reasons discussed above with respect to Claim 33.

Although the claims are not currently rejected based on Humpal in view of Reichert, the following discussion is hereby presented to further prosecution.

Humpal describes a weather strip 13 that has a head 22 to be fitted within a frame 11. The head 22 of the weather strip 13 described in Humpal includes integral ribs 26 that project laterally outwardly to be positioned into slots 24 in the frame 11. Thus, the weather strip 13 of Humpal requires that the frame include openings into which the integral ribs 26 can project. As can be seen in the figures of Reichert, the glazed sheets 52A, 52B do not include such openings and thus a person of ordinary skill in the art would not find it obvious to combine the weather strip 13 with the glazed sheets 52A, 52B of Reichert.

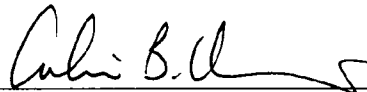
Further, as can be seen in Figures 2 and 4, the weather strip 13 of Humpal comprises lips 20, 21 oriented toward the interior of the glazing unit. The lips 20, 21 are in contact (Figures 4 and 5) with the frame (without reference number) in which the glass panel 12 is maintained.

Thus, if the one skilled in the art would combine Humpal with Reichert, he will position the spacer in contact with the lips 20, 21 of the strip 13 oriented toward the interior of the glazing unit, the part of the strip oriented toward the exterior of the glazing unit being introduced in the frame 11. Accordingly, such a combination would not disclose or suggest that "the seal is separated from the spacer by a space such that the seal does not contact the spacer," as recited in Claim 33.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

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